

23 NOV 2007



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In re Application of	:	
WATKINS, Dave, et al.	:	
Application No.: 10/564,870	:	DECISION
PCT No.: PCT/EP2004/007159	:	
Int. Filing Date: 01 July 2004	:	ON PETITION UNDER
Priority Date: 17 July 2003	:	
Docket No.: 026032-4980	:	37 CFR 1.47(a)
For: SEAT AND METHOD FOR TILTING A	:	
SEAT	:	

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 04 September 2007.

BACKGROUND

On 01 July 2004, applicants filed international application no. PCT/EP2004/007159, claiming a priority date of 17 July 2003. A copy of the international application was transmitted to the Office by the International Bureau on 24 February 2005. The deadline for payment of the basic national fee in the United States was 17 January 2006.

On 17 January 2006, applicants filed a transmittal letter for entry into the national phase in the United States, accompanied by the basic national fee.

On 02 February 2007, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration under 37 CFR 1.497(a)-(b) was required.

On 12 April 2007, applicants submitted a declaration executed by two of three inventors.

On 04 September 2007, the Office mailed Notification of a Defective Response (Form PCT/DO/EO/916), indicating that the declaration was not executed by the first named inventor.

On 04 September 2007, applicants filed this petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Items (1), (3) and (4) have been met. (1) The petition fee of \$200 has been paid. (3) The petition

lists the last known addresses of non-signing inventor Dave Watkins as 1 Beech AV, Calegree, GB - Stockport. (4) The declaration complies with 37 CFR 1.497(a)-(b) and 1.47(a).

Item (2) has not been satisfied. Applicants are alleging that they have been unable to locate the non-signing inventor after a diligent effort. Applicants sent a copy of the application papers to the inventor's last known address two years ago and conducted a Google search in the main database for "Dave Watkins Great Britain". After the search returned 856,000 hits, applicants claim it is too burdensome to pursue it further. These efforts do not constitute a diligent effort to locate the inventor. Normally, applicants search in a white pages database and even in a main database, applicants can likely find more relevant search terms than Great Britain and Dave Watkins, so that most of the hits are not for a rugby player.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Extensions of time under 37 CFR 1.136(a) are available. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed, should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

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